

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

James Thomas Burke, :  
Petitioner, :  
: :  
v. : File No. 2:11-CV-275  
: :  
T.J. Donovan, Chittenden :  
County State's Attorney, :  
Respondent. :  
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed June 26, 2012. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The petitioner's petition for a writ of habeas corpus (Doc. 3) is **DENIED**; that his motion to stay lower court proceedings (Doc. 4) be **DENIED** as moot; that Respondent's motion to dismiss (Doc. 6) be **GRANTED**; that Respondent's supplemental motion to dismiss (Doc. 10) is **DENIED** as moot. This case is **DISMISSED** without prejudice.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present

issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

THIS CASE IS CLOSED.

Dated at Burlington, in the District of Vermont, this 18th day of July, 2012.

/s/ William K. Sessions III  
William K. Sessions III  
U.S. District Court Judge